

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In Re: TOD CARON and LAURA CARON,

Chapter 13
File No. 14-32151
Hon. Daniel S. Opperman

Debtors.

**UNITED STATES OBJECTION TO
CONFIRMATION OF DEBTORS' AMENDED PLAN (Doc. 146)**

The United States of America, by its attorneys, United States Attorney, Barbara L. McQuade and Assistant United States Attorney Kevin R. Erskine, on behalf of the Internal Revenue Service (IRS), objects to the confirmation of the debtors' amended plan for the following reasons:

1. The debtors filed a voluntary petition for protection under Chapter 13 of the Bankruptcy Code on July 30, 2014, and subsequently filed this amended plan on November 10, 2015.
2. The IRS timely filed a proof of claim on August 29, 2014. Between that date and November 13, 2015, the IRS filed various amended proofs of claim. The current proof of claim [claim 4-3] was filed on November 13, 2015, in the total amount of \$193,516.74. The amended proof of claim consists of a secured claim in the amount of \$24,710.00, a priority claim of \$166,423.53, and a general unsecured claim of \$2,383.21.
3. The plan fails to recognize that IRS has a 5.1 secured claim. The plan states at E(2) that IRS's claim is a 5.2 claim and not to be paid in equal monthly payments.

The IRS does not consent to the treatment as a 5.2 claim. *See* 11 U.S.C. § 1325(a)(5)(A).

The IRS's secured claim of \$24,710.00 is a Class 5.1 claim and must be paid in full through the plan, in equal monthly payments, with the IRS to retain its liens and to receive interest at the IRC rate in effect on the date of confirmation. 11 U.S.C. § 1325(a)(5)(B). To full pay this claim, the payment should be \$444.05 a month.

Wherefore, the United States respectfully requests that this Court deny confirmation of the debtors' plan for the foregoing reasons and grant such further and additional relief as deemed just and appropriate.

Dated: November 16, 2015

BARBARA L. McQUADE
United States Attorney

/s/Kevin R. Erskine
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CERTIFICATE OF SERVICE

I hereby certify that on November 16, 2015, the Objection by the United States to Confirmation of Amended Plan was electronically filed with the Clerk of the Court using the ECF system, which will send notification of such filing to all parties having entered an appearance.

/s/Kevin R. Erskine
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